

**IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE EASTERN DISTRICT OF VIRGINIA**  
Richmond Division

IN RE:	)	
	)	
ADALYNN MARIE FARLEY	)	Case No. 19-32860-KLP
	)	Chapter 13
Debtor	)	

**MOTION TO APPOINT GUARDIAN AD LITEM**

COMES NOW, the Debtor, by counsel, and pursuant to Rule 1004.1 of the Federal Rules of Bankruptcy Procedure, moves this Court to appoint a Guardian *Ad Litem* for the Debtor herein, and in support hereof, states as follows:

1. On May 30, 2019 the Debtor filed the Chapter 13 petition herein by her next friend and mother, Marisela Lopez, pursuant to Federal Rule of Bankruptcy Procedure 1004.1.
2. The Debtor is a minor who inherited the real estate and improvements located at 2306 Fon-Du-Lac Road, Henrico, VA ("Property") by intestate succession upon the death of her father.
3. The Debtor and her mother currently live with the mother's family and it is their intention and desire to move into the Property so that it may serve as their principal residence.
4. The Property is encumbered by a deed of trust in favor of Bayview Loan Servicing ("Bayview").
5. At the time of the filing of this case, the Bayview loan was delinquent in excess of \$9,000.00. Despite the efforts of the Debtor's mother requesting additional time from Bayview to cure the delinquency, Bayview elected to proceed with foreclosure on the Property.
6. Bayview scheduled a foreclosure sale on the Property for May 31, 2019. A copy

of the Notice of Trustee's Sale is attached hereto as Exhibit "A" and is incorporated herein.<sup>1</sup>

7. The Debtor lives with her mother, Marisela Lopez who is the sole provider for the Debtor.

WHEREFORE, the Debtor moves the Court for an order appointing Marisela Lopez, as Guardian *ad Litem* for the Debtor Adalynn Marie Farley, and for such other relief as the Court may deem appropriate.

Respectfully submitted,

ADALYNN MARIE FARLEY  
By Counsel

/s/ James E. Kane  
James E. Kane (VSB# 30081)  
Kane & Papa, P.C.  
P. O. Box 508  
Richmond, Virginia 23218-0508  
Telephone (804) 225-9500  
*Counsel for Debtor*

### **CERTIFICATE OF SERVICE**

I certify that on July 24, 2019, I have transmitted a true copy of the foregoing document electronically through the Court's CM/ECF system or by mail to the Debtor, Chapter 13 trustee, the United States trustee if other than by the electronic means provided for at Local Bankruptcy Rule 2002-1, all attorneys appearing in the previous case as listed below, and to all creditors and parties in interest of the mailing matrix attached hereto.

/s/ James E. Kane  
Counsel for Debtor

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<sup>1</sup> Unbeknownst to counsel and the Debtor's mother, on May 17, 2019 the foreclosure sale was cancelled and the loan is on a "Deceased Borrower Hold" through July 16, 2019. This information was conveyed by Bayview's counsel to Debtor's counsel after the case was filed.

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	)	Chapter 13
Debtor	)	

**NOTICE OF MOTION AND HEARING**

**PLEASE TAKE NOTICE** that the Debtor in this case has filed with the Court a Motion to Appoint a Guardian *ad Litem*.

**Your rights may be affected. You should read these papers carefully and discuss them with your attorney, if you have one in this bankruptcy case. If you do not have an attorney, you may wish to consult one.**

If you do not want the Court to grant relief sought in the Motion, or if you want the Court to consider your views on the Motion, then you or your attorney must on or before 3 days prior to the hearing on this matter:

- File with the Court, at the address shown below, a written request for a hearing. If you mail your request to the Court for filing, you must mail it early enough so the Court will **receive** it on or before the date stated above.

United States Bankruptcy Court  
Eastern District of Virginia  
701 E. Broad Street, Suite 4000  
Richmond, Virginia 23219

You must also mail a copy to:

James E. Kane, Esquire  
KANE & PAPA, P.C.  
P.O. Box 508  
Richmond, VA 23218-0508

- Attend the hearing scheduled for **August 28, 2019 at 10:00 a.m.** at the U.S. Bankruptcy Court, 701 E. Broad St., Room 5100, Richmond, VA 23219.

If you or your attorney do not take these steps, the Court may decide that you do not oppose the relief sought in the Motion and may enter an Order granting that relief.

Respectfully submitted,

ADALYNN MARIE FARLEY  
By Counsel

/s/ James E. Kane  
James E. Kane (VSB# 30081)  
Kane & Papa, P.C.  
P. O. Box 508  
Richmond, Virginia 23218-0508  
Telephone (804) 225-9500  
*Counsel for Debtor*

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/s/ James E. Kane  
Counsel for Debtor

**TRUSTEE SALE**  
**2306 Fon Du Lac Rd, Glen Allen, VA 23229**  
**Henrico County**



02032170  
Service  
Date  
2019/05,

In execution of a Deed of Trust in the original principal amount of **\$184,400.00**, dated **May 25, 2007** recorded in the Clerk's Office of the Circuit Court of the **Henrico County, Virginia**, in **Document No. 27934, in Book No. 4348, at Page 1302**, default having occurred in the payment of the Note thereby secured and at the request of the holder of said Note, the undersigned Substitute Trustee will offer for sale at public auction at the entrance to the **Circuit Court Building of the County of Henrico, 4301 East Parham Road, Henrico, VA 23273**, on **May 31, 2019 at 9:30 AM** the property described in said deed, located at the above address and briefly described as:

**Lot 7, Block Q, West Lawn and more particularly shown on plat of Cavalier Park, Section B, with improvements thereon.**

**Subject to any and all covenants, conditions, restrictions, easements, and all other matters of record taking priority over the Deed of Trust, if any, affecting the aforesaid property.**

**TERMS OF SALE: CASH:** A deposit of **\$20,000.00** or 10% of the sales price, whichever is lower, cash or certified check will be required at the time of sale, but no more than \$10,000.00 of cash will be accepted, with settlement within fifteen (15) days from the date of sale. Sale is subject to post sale confirmation that the borrower did not file for protection under the U.S. Bankruptcy Code prior to the sale which affects the validity of the sale, as well as to post-sale confirmation of the status of the loan with the loan servicer including, but not limited to, determination of whether the borrower entered into any repayment agreement, reinstated or paid off the loan prior to the sale. In any such event, the sale shall be null and void, and the Purchaser's sole remedy, in law or equity, shall be the return of his deposit without interest. Additional terms may be announced at the time of sale. Pursuant to the Federal Fair Debt Collection Practices Act, we advise you that this firm is a debt collector attempting to collect the indebtedness referred to herein and any information we obtain will be used for that purpose.

SAMUEL I. WHITE, P.C., Substitute Trustee

This is a communication from a debt collector.

**FOR INFORMATION CONTACT:**

SAMUEL I. WHITE, P.C. (69599)

5040 Corporate Woods Drive, Suite 120

Virginia Beach, Virginia 23462

757-457-1460 - Call Between 9:00 a.m. and 5:00 p.m.

or visit our website at [www.siwpc.net](http://www.siwpc.net)

To: Style Weekly

SAMUEL I. WHITE, P.C.

✓

cc: Bayview Loan Servicing, LLC

Ad runs: May 15, 2019 and May 22, 2019

Label Matrix for local noticing  
0422-3  
Case 19-32860-KLP  
Eastern District of Virginia  
Richmond  
Wed Jul 24 11:49:30 EDT 2019

(P) 21ST MORTGAGE CORPORATION  
PO BOX 477  
KNOXVILLE TN 37901-0477

UST Smg Richmond  
Office of the U. S. Trustee  
701 East Broad St., Suite 4304  
Richmond, VA 23219-1849

United States Bankruptcy Court  
701 East Broad Street  
Richmond, VA 23219-1888

Bayview Loan Servicing  
4425 Ponce De Leon  
5th Floor  
Coral Gables, FL 33146-1837

Bayview Loan Servicing  
PO Box 650091  
Dallas, TX 75265-0091

Samuel I. White, PC  
1804 Staples Mill Road  
Suite 200  
Richmond, VA 23230-3530

Adalynn Marie Farley  
12261 Kain Road  
Glen Allen, VA 23059-5720

Carl M. Bates  
P. O. Box 1819  
Richmond, VA 23218-1819

James E. Kane  
Kane & Papa, PC  
1313 East Cary Street  
P.O. Box 508  
Richmond, VA 23218-0508

John P. Fitzgerald, III  
Office of the US Trustee - Region 4 -R  
701 E. Broad Street, Ste. 4304  
Richmond, VA 23219-1849

The preferred mailing address (p) above has been substituted for the following entity/entities as so specified by said entity/entities in a Notice of Address filed pursuant to 11 U.S.C. 342(f) and Fed.R.Bank.P. 2002 (g) (4).

21st Mortgage Corporation  
PO Box 477  
Knoxville, TN 37901

(d)21st Mortgage Corporation  
P.O. Box 477  
Knoxville, TN 37901-0000

The following recipients may be/have been bypassed for notice due to an undeliverable (u) or duplicate (d) address.

(u)Bayview Loan Servicing LLC

End of Label Matrix  
Mailable recipients 10  
Bypassed recipients 1  
Total 11